

United States Courts  
Southern District of Texas  
FILED

APR 25 2005

Michael N. Milby, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

AUBREY STEPHENS,  
TDCJ-ID NO 1089462,  
*Plaintiff,*

v.

HOUSTON POLICE DEPARTMENT,  
ET AL.

*Defendants.*

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CIVIL ACTION NO. H-03-729

**DEFENDANTS RESPONSE TO PLAINTIFF'S MOTION FOR EXTENSION OF  
TIME TO FILE RESPONSE TO DEFENDANTS CITY OF HOUSTON, F.J.  
DOMINGUEZ, AND G.S. SANCHEZ'S MOTION FOR SUMMARY JUDGMENT**

COME NOW, Defendants City of Houston, F.J. Dominguez, and G.S. Sanchez and files this their Response to Plaintiff's Motion for Extension of Time to File Response to Defendants City of Houston, F.J. Dominguez, and G.S. Sanchez's Motion for Summary Judgment and show as follows:

- 1.1 Plaintiff is seeking a more than 50 days extension in order to file his Response to Defendants' Motions for Summary Judgment. Plaintiff states that he is unable to file his response within the 30 days provided by within the Court's Order for Service of Process because of counsel's other obligations in his solo practice. As of the filing of Plaintiff's motion, the deadlines for all but two of the obligations listed have elapsed. However, plaintiff still seeks more than 50 additional days, or a total of 80 days to respond to defendants' motions. The Court's Order for Service of Process provides that plaintiff shall file his response within 30 days of the filing of the motion

for summary judgment. Although filed a week apart, Defendants' motions allege the same defenses. To allow plaintiff a greater extension than that provided by the court would severely prejudice defendants. Defendants continue to incur unnecessary expenses in defending plaintiff's unmeritorious claims. Defendants wish to avoid the time and expense of further defending these claims.

WHEREFORE, PREMISES CONSIDERED, Defendants CITY OF HOUSTON, F. J. DOMINGUEZ, and G.S. SANCHEZ respectfully request that Plaintiff's Motion for Extension of Time to File Response to Defendants City of Houston, F.J. Dominguez, and G.S. Sanchez's Motion for Summary Judgment and for all other relief to which they are entitled as a matter of law.

Respectfully submitted,

By:

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L. RENÉE LOWE  
Assistant City Attorney  
TBA No. 24014179  
Federal ID No.25056  
P.O. Box 1562  
Houston, Texas 77251  
(713) 247-1494 (Telephone)  
(713) 247-1017 (Fax)  
Renee.lowe@cityofhouston.net

Attorney-in-Charge for Defendants,  
CITY OF HOUSTON, TEXAS, F.J.  
DOMINGUEZ, and G.S. SANCHEZ

OF COUNSEL:  
CITY OF HOUSTON LEGAL DEPARTMENT  
ARTURO G. MICHEL, City Attorney

**CERTIFICATE OF SERVICE**

This Pleading was served in compliance with the Federal Rules of Civil Procedure on the **25<sup>TH</sup>** day of **April, 2005**.

cc: Mr. O. J. Usoro  
Attorney at Law  
12000 Westheimer Rd., Suite 300  
Houston, Texas 77077  
**CERTIFIED MAIL/RRR**  
**7002 2410 0004 9197 6154**

  
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L. RENEE LOWE